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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 SOUTHERN DIVISION

11 ) SA CV \_\_\_\_\_ ( x )  
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14 ) I. ORDER FOR JURY TRIAL  
15 ) SETTING DATES FOR:

16 ) Discovery Cut-Off:  
17 ) \_\_\_\_\_

18 ) Pre-Trial Conference:  
19 ) \_\_\_\_\_

20 ) at 2:00 p.m.  
21 )

22 ) Trial:  
23 ) \_\_\_\_\_

24 ) at 9:00 a.m.  
25 )

26 ) II. Order for Preparation  
27 ) for JURY TRIAL,  
28 ) Proposed Findings of  
Fact & Conclusions of  
Law, and Scheduling an  
Exhibit Conference  
Friday before Trial.

III. Order Governing Attorney  
and Party Conduct at  
Trial.

I.

**SCHEDULING:**

1. In General: All motions to join other parties or to  
amend the pleadings shall be filed and served within sixty

1 (60) days of the date of this order and noticed for hearing within  
2 ninety (90) days hereof. All unserved parties shall be dismissed  
3 no later than the date set for the Final Pre-Trial Conference.

4 2. Motions for Summary Judgment or Partial Summary  
5 Judgment: No motions for summary judgment or partial summary  
6 judgment may be filed later than fifteen (15) days after the  
7 discovery cut-off date, unless otherwise ordered by Court.

8 3. Discovery Cut-Off: The Court has established a  
9 cut-off date for discovery in this action. All discovery is to be  
10 completed on, or prior to, the cut-off date. Accordingly, the  
11 following discovery schedule shall apply to this case:

12 A. Depositions: All depositions shall be scheduled  
13 to commence at least five (5) working days prior to the discovery  
14 cut-off date. All original depositions to be used in trial shall  
15 be lodged with the Courtroom deputy on the first day of trial or  
16 such earlier date as the Court may order.

17 B. Interrogatories: All interrogatories must be  
18 served at least forty-five (45) days prior to the discovery cut-off  
19 date. The Court will not approve stipulations between counsel that  
20 permit responses to be served after the cut-off date except in  
21 extraordinary circumstances.

22 C. Production of Documents, etc.: All requests for  
23 production, etc., shall be served at least forty-five (45) days  
24 prior to the discovery cut-off date. The Court will not approve  
25 stipulations between counsel that permit responses to be served  
26 after the cut-off date except in extraordinary circumstances.

27 D. Request for Admissions: All requests for  
28 admissions shall be served at least forty-five (45) days prior to

1 the discovery cut-off date. The Court will not approve  
2 stipulations between counsel that permit responses to be served  
3 after the cut-off date except in extraordinary circumstances.

4 E. Discovery Motions: Any motion respecting the  
5 inadequacy of responses to discovery must be filed and served not  
6 later than ten (10) days after the discovery cut-off date. Whenever  
7 possible, the Court expects counsel to resolve discovery problems  
8 among themselves in a courteous, reasonable, and professional  
9 manner. Consistent resort to the Court for guidance in discovery  
10 is unnecessary and may result in the Court appointing a Special  
11 Master at the joint expense of the parties to resolve discovery  
12 disputes. The Court expects that counsel will strictly adhere to  
13 the Civility and Professional Guidelines adopted by the United  
14 States District Court for the Central District of California.

15 F. Disclosure of Expert Testimony: The above  
16 discovery cut-off date includes expert discovery, unless otherwise  
17 ordered by Court, and the Court orders the sequence of disclosures  
18 provided by Fed. R. Civ. Proc. 26(a)(2)(C), unless the parties  
19 otherwise stipulate in writing and obtain the Court's approval.

20 **FINAL PRE-TRIAL CONFERENCE:**

21 This case has been placed on calendar for a Final Pre-  
22 Trial Conference pursuant to Fed. R. Civ. P. 16. Strict compliance  
23 with the requirements of the Fed. R. Civ. P. and Local  
24 Rules are required by the Court.

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1 II.

2 ORDER FOR PREPARATION FOR JURY TRIAL AND SCHEDULING EXHIBIT  
3 CONFERENCE FRIDAY BEFORE TRIAL: MOTIONS, INSTRUCTIONS, AND  
4 EXHIBITS

5 The Court ORDERS that all counsel comply with the  
6 following in their preparation for trial:

7 1. MOTIONS IN LIMINE:

8 All motions *in limine* must be filed and served a minimum  
9 of forty-five (45) days prior to the scheduled trial date. Each  
10 motion should be separately filed and numbered. All opposition  
11 documents must be filed and served at least twenty (20) days prior  
12 to the scheduled trial date. All reply documents must be filed and  
13 served at least ten (10) days prior to the scheduled trial date.

14 All motions in limine will be heard on the scheduled  
15 trial date, unless the Court otherwise orders.

16 2. JURY INSTRUCTIONS, VERDICT FORMS, and VOIR DIRE:

17 Plaintiff shall serve plaintiff's proposed jury  
18 instructions and verdict form on defendant. Defendant shall serve  
19 on plaintiff defendant's objections to plaintiff's instructions and  
20 verdict form, together with any alternative verdict form and any  
21 additional instructions defendant intends to offer. Counsel are  
22 ordered to meet and confer to attempt to come to agreement on the  
23 proposed jury instructions and verdict forms.

24 Counsel shall file with the Court a JOINT set of jury  
25 instructions on which there is agreement. Defendant's counsel has  
26 the burden of preparing the joint set of jury instructions. At the  
27 same time each party shall file its proposed jury instructions  
28 which are objected to by any other party, accompanied by points and

1 authorities in support of those instructions.

2         **Jury instructions** are to be filed with the Clerk and  
3 served on opposing counsel in compliance with Local Rule 51-1.

4         At the same time, counsel must furnish to the assigned  
5 Courtroom Deputy Clerk a diskette of proposed jury instructions  
6 containing only the text of the proposed instructions so that  
7 unannotated copies may be submitted to the jury during its  
8 deliberations. Counsel may submit the proposed instructions on a  
9 3½" diskette compatible with WordPerfect® 7.0 or later generations  
10 of WordPerfect®.

11         **Objections** to proposed jury instructions must be filed  
12 and served in compliance with Local Rules 51-5 and 51-5.1.

13         **Voir Dire:** At least four (4) court days prior to trial,  
14 each counsel shall file with the Clerk and serve on opposing  
15 counsel any special questions requested to be put to prospective  
16 jurors on voir dire.

17         3. TRIAL EXHIBITS:

18         Counsel are to prepare their exhibits for presentation at  
19 the trial by placing them in binders that are indexed by exhibit  
20 number with tabs or dividers on the right side. Counsel shall  
21 submit to the Court an original and one copy of the binders. The  
22 exhibits shall be in a three-ring binder labeled on the spine  
23 portion of the binder showing both the volume number and the  
24 exhibit numbers and contain an index of each exhibit included in  
25 the volume. Exhibits must be numbered in accordance with Fed. R.  
26 Civ. P. 16, 26, and the Local Rules.

27         The Court requires that the following be submitted to the  
28 Courtroom Deputy Clerk on the first day of trial:

1           A. The original exhibits with the Court's exhibit  
2 tags shall be stapled to the front of the exhibit on the upper  
3 right-hand corner with the case number, case name, and exhibit  
4 number placed on each tag.

5           B. One bench book with a copy of each exhibit for  
6 use by the Court, tabbed with numbers as described above. (Court's  
7 exhibit tags not necessary.)

8           C. Three (3) copies of exhibit lists.

9           D. Three (3) copies of witness lists.

10          E. A joint statement of the case suitable for  
11 reading by the Court to the prospective panel of jurors prior to  
12 the commencement of jury selection. Counsel are ordered to confer  
13 and agree to a one-page joint statement of the case no later than  
14 five (5) days prior to the trial date.

15          All counsel are to meet not later than ten (10) days  
16 before trial and to stipulate so far as is possible as to  
17 foundation, waiver of the best evidence rule, and to those exhibits  
18 which may be received into evidence at the start of trial. The  
19 exhibits to be so received will be noted on the extra copies of the  
20 exhibit lists.

21          **A special conference regarding trial exhibits will be**  
22 **held on the Friday before the scheduled Trial date at 3:00 P.M. in**  
23 **Courtroom 10-A, unless the Court otherwise orders.**

24                               **III.**

25                   **ORDER GOVERNING ATTORNEY AND PARTY CONDUCT AT TRIAL**

26    **A.           OPENING STATEMENTS, EXAMINING WITNESSES, AND SUMMATION**

27                1. Opening statements, examination of witnesses, and  
28 summation will be from the lectern only.

1           2. Counsel must not consume time by writing out words  
2 or drawing charts or diagrams. Counsel may do so in advance and  
3 explain that the item was prepared earlier as ordered by the Court  
4 to save time.

5           3. In final argument, counsel shall not address any  
6 juror by name and must avoid any appeal to a juror putting the  
7 juror in the position of a party, such as "What would you take for  
8 such pain?" or "What would you expect your son or daughter to do in  
9 the same circumstances?"

10           4. Never strike the lectern for emphasis.

11           5. The Court will honor reasonable time estimates for  
12 opening and closing addresses to the jury. Please be advised this  
13 Court will not require a jury to sit longer than 65 minutes in any  
14 one session during counsel's summation.

15 **B.           OBJECTIONS TO QUESTIONS**

16           1. Counsel must not use objections for the purpose of  
17 making a speech, recapitulating testimony, or attempting to guide  
18 the witness.

19           2. When objecting, counsel must rise to state the  
20 objection and state only that counsel objects and the legal ground  
21 of objection. If counsel wishes to argue an objection further,  
22 counsel must ask for permission to do so; the Court may or may not  
23 grant a request for conference at sidebar.

24 **C.           GENERAL DECORUM**

25           1. Please keep the trial low-key. It is to be a  
26 dignified search for the truth.

27           2. Counsel must not approach the Clerk or the witness  
28 box without specific permission. When permission is given, please

1 return to the lectern when the purpose of the permission is  
2 finished. Counsel must not engage in questioning a witness at the  
3 witness stand.

4 3. Please rise when addressing the Court. Please rise  
5 when the jury enters or leaves the courtroom.

6 4. Counsel must address all remarks to the Court.  
7 Counsel are not to address the Clerk, the Reporter, persons in the  
8 audience, or opposing counsel. If counsel wishes to speak with  
9 opposing counsel, counsel must ask permission to talk off the  
10 record. Any request for the re-reading of questions or answers  
11 shall be addressed to the Court.

12 5. Counsel must not address or refer to witnesses or  
13 parties by first names alone. Young witnesses (under 14) may,  
14 however, be addressed and referred to by first names.

15 6. Counsel must not make an offer of stipulation unless  
16 counsel has conferred with opposing counsel and has reason to  
17 believe the stipulation will be acceptable.

18 7. While Court is in session, counsel must not leave  
19 counsel table to confer with investigators, secretaries, or  
20 witnesses in the back of the courtroom unless permission has been  
21 granted in advance.

22 8. Counsel should not by facial expression, nodding, or  
23 other conduct exhibit any opinion, adverse or favorable, concerning  
24 any testimony being given by a witness. Counsel must admonish  
25 counsel's own clients and witnesses to avoid such conduct.

26 9. Where a party has more than one lawyer, only one  
27 may object to the testimony or conduct the direct or cross-  
28 examination of a given witness.



1     **D.           PROMPTNESS OF COUNSEL AND WITNESSES**

2           1.     The Court makes every effort to commence proceedings  
3 at the time set.     Promptness is expected from counsel and  
4 witnesses. It is counsel's duty to tell the Court on the first day  
5 of any commitments in any other court on a subsequent day that may  
6 result in absence or late arrival.

7           2.     If a witness was on the stand at adjournment, it is  
8 counsel's duty to have the witness adjacent to, but not on, the  
9 witness stand, ready to proceed, when the court session resumes.  
10 If a witness was on the stand at a recess, it is counsel's duty to  
11 have the witness back on the stand, ready to proceed, when the  
12 court session resumes.

13           a.     It is counsel's duty to have the next witness  
14 in the courtroom after a recess if the last witness was excused at  
15 the time of the recess.

16           b.     It is counsel's duty to notify the courtroom  
17 deputy clerk in advance if any witness should be accommodated by  
18 use of the witness stand's automated platform which lowers and  
19 raises to accommodate witnesses who are unable to otherwise take  
20 the witness stand.

21           3.     No presenting party may be without witnesses. If  
22 counsel has no more witnesses to call and there is more than a  
23 brief delay, the Court may deem that the party has rested.

24           4.     The Court attempts to cooperate with physicians,  
25 scientists, and all other professional witnesses and will, except  
26 in extraordinary circumstances, accommodate them by permitting them  
27 to be put on out of sequence. Counsel must anticipate any such  
28 possibility and discuss it with opposing counsel. If there is

1 objection, confer with the Court in advance.

2 **E. EXHIBITS**

3 1. Each counsel should keep counsel's own list of  
4 exhibits and should keep track when each has been admitted in  
5 evidence.

6 2. Each counsel is responsible for any exhibits that  
7 counsel secures from the Clerk and, at all recesses and at noontime  
8 and afternoon adjournments, must return all exhibits in counsel's  
9 possession to the Clerk.

10 3. An exhibit not previously marked should, at the time  
11 of its first mention, be accompanied by a request that the Clerk  
12 mark it for identification. To save time, counsel must show a new  
13 exhibit to opposing counsel before it is mentioned in Court.

14 4. Whenever, in counsel's opinion, a particular exhibit  
15 is admissible, it may be moved into evidence at the next available  
16 recess if the motion to admit it is opposed. (Consider waiting,  
17 however, until cross-examination concerning the proposed exhibits  
18 is concluded.) In the alternative, counsel may hold all exhibits  
19 until the end of counsel's case and move them all into evidence at  
20 that time.

21 5. The Court regards admissibility of exhibits as a  
22 legal issue for the Court to rule on unless there is agreement  
23 among counsel. Counsel are admonished to make no motion to  
24 introduce an exhibit while the jury is present unless counsel has  
25 previously conferred with opposing counsel and knows that there  
26 will be no objection to the motion to admit. When the Court hears  
27 a motion to admit an exhibit before the jury, the Court will assume  
28 that counsel has already cleared admission of the exhibit with

1 opposing counsel and grant the motion. If any objection is lodged,  
2 the Court will expect a full explanation from counsel who made the  
3 motion to admit an exhibit while the jury was present.

4 6. Counsel are to advise the Clerk of any agreements  
5 they have with respect to the proposed exhibits and as to those  
6 exhibits that may be received so that no further motion to admit  
7 need be made.

8 7. When referring to an exhibit, counsel should refer  
9 to its exhibit number whenever possible. Witnesses should be asked  
10 to do the same.

11 8. The Court resists taking time to pass an exhibit  
12 among the jury for viewing when it is admitted. A request to do so  
13 should be made to the Court in a recess period preceding  
14 introduction of the exhibit.

15 9. Counsel must not ask witnesses to draw charts or  
16 diagrams nor ask the Court's permission for a witness to do so. If  
17 counsel wishes to question a witness in connection with graphic  
18 aids, the material must be fully prepared before the court session  
19 starts.

20 **F. DEPOSITIONS**

21 1. All depositions that are to be used in the trial,  
22 either as evidence or for impeachment, must be signed and filed  
23 before the trial commences. Counsel should check with the Clerk as  
24 to whether any deposition in which counsel is interested is in the  
25 Clerk's hands and is properly signed.

26 2. In using depositions of an adverse party for  
27 impeachment, either one of the following procedures may be adopted:

28 a. If counsel wishes to read the questions and

1 answers as alleged impeachment and ask the witness no further  
2 questions on that subject, counsel may merely read the relevant  
3 portions of the deposition into the record, stating the page and  
4 line where the reading began and the page and line where the  
5 reading ended.

6           b. If counsel wishes to ask the witness further  
7 questions on the subject matter, the deposition is placed in front  
8 of the witness and the witness is told to read silently the pages  
9 and lines involved. Then counsel may either ask the witness  
10 further questions on the matter and thereafter read the quotations  
11 or read the quotations and thereafter ask the further questions.  
12 Counsel should have an extra copy of the deposition for this  
13 purpose.

14           3. Where a witness is absent and the witness' testimony  
15 is offered by deposition, please observe the following procedures:

16           A reader should occupy the witness chair and read  
17 the testimony of the witness while the examining lawyer asks the  
18 questions. All colloquy among counsel or parties on the deposition  
19 record, except relevant stipulations, should be omitted from the  
20 reading so as to deliver only questions and answers.

21 **G.           USING NUMEROUS ANSWERS TO INTERROGATORIES AND REQUESTS**  
22 **FOR ADMISSIONS**

23           Whenever counsel expects to offer a group of answers to  
24 interrogatories or requests for admissions, extracted from one or  
25 more lengthy documents, counsel should prepare a new document  
26 listing each question and answer and identifying the document from  
27 which it has been extracted. Copies of this new document should be  
28 given to the Court and opposing counsel. This will save the time

1 of thumbing through extensive files to locate particular items.

2 **H. JURY INSTRUCTIONS**

3 All requested instructions must be filed and served in  
4 accordance with the Local Rules of this District or this Court's  
5 Order served on the parties at the criminal arraignment or other  
6 pretrial hearing. Supplemental instructions must be filed and  
7 served as soon as the need for them becomes apparent.

8 **I. ADVANCE NOTICE OF EVIDENTIARY OR DIFFICULT QUESTIONS**

9 If any counsel has reason to anticipate that a difficult  
10 question of law or evidence will raise legal argument, requiring  
11 research and/or briefing, counsel must give the Court advance  
12 notice. Counsel are directed to notify the Clerk at the day's  
13 adjournment if an unexpected legal issue arises that could not have  
14 been foreseen and addressed by a motion *in limine* (see F.R.E. 103.)

15 **J. FINAL PHASE OF JURY TRIALS**

16 1. Time for Arguments

17 Counsel will be asked to provide reasonable  
18 estimates for the time needed to present closing summation. Each  
19 counsel will be held to those estimates to within five (5) and no  
20 more than ten (10) minutes.

21 Counsel should keep track of time consumed in  
22 argument. Counsel may, after fifty (50) minutes and before sixty-  
23 five (65) minutes, ask the Court if this would be a "convenient  
24 time" to take a short break before going on to the next topic.  
25 Counsel's request for a break will be honored.

26 If no request for a recess is made within the  
27 foregoing period of time, the Court will declare a recess.

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1           2.   Exhibits Referred to During Argument

2           The Clerk is not required to be present during  
3 summation and, therefore, is not available to supply exhibits.  
4 Exhibits can be arranged and made available to counsel at the  
5 lectern if they are needed. Counsel must advise the Clerk of this  
6 need at least one day before closing arguments begin.

7           3.   Court Reporter Transcripts

8           Counsel are admonished to not state in summation, "I  
9 am reading from the reporter's transcript." Counsel may, however,  
10 refer to "notes" [which may include a partial transcript] and  
11 proceed to deliver the recounted in a "question and answer" format.  
12 Counsel are not to suggest to the jury that they may request re-  
13 reading of testimony. That subject will be covered with the jury  
14 in the jury charge as follows:

15           Re-reading of testimony is possible, but I  
16 must review all of what is to be re-read --  
17 *there is no transcript made up.* And, even if  
18 there were, I would have to have it re-read  
19 due to objections, side-bars, and other  
20 proceedings outside the jury's presence.  
21 Moreover, I or the attorneys might feel that  
22 other matters should be included in the same  
23 read-back. Preparing for a re-read of  
24 testimony takes time. Please understand that,  
25 so that if a request is made, we will gladly  
26 arrange to do so, but the jury should keep  
27 deliberating until we are able to make sure  
28 that we have everything ready.

4. Presence of counsel, parties and agents at adjournment once deliberations start:

Since another trial will likely have started while the jury in counsel's case is deliberating, the following options are suggested for the day's adjournment in lieu of convening a separate session of Court.

a. Counsel may stipulate that the Court sitting alone may admonish the jury at the adjournment and the Court will inform the jury that counsel and parties have been excused; or,

b. Counsel may stipulate that the Courtroom Deputy Clerk may admonish the jurors and excuse them for the evening; or,

c. Counsel may waive the necessity of an evening admonition at adjournment in light of admonitions to the jury as trial progressed.

**ALICEMARIE H. STOTLER**  
**UNITED STATES DISTRICT JUDGE**